

REMARKS

This amendment is responsive to the non-final Office Action of November 2, 2010. The Examiner's thorough examination and allowance of claims 12, 16, and 21 is appreciated. Reconsideration and allowance of the remaining claims is requested.

Claims 17, 19, and 20 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter because the method or process claims do not transform the underlying subject matter or sufficiently tie to another statutory class (such as a particular machine).

Applicants have amended rejected claims 17 and 19 to specify that the method steps are executed with a processor. Accordingly, claims 17 and 19 are believed to be directed to statutory subject matter and patentable.

Applicants respectfully submit that claim 20 is directed to statutory subject matter as it recites the method of claim 19 and further, "generating a display indicative of the relative perfusion parameter." Applicants respectfully submit that the display step is a transformative step because the method step is directed to certain determinations and calculations to generate a perfusion parameter which cannot be visualized until it is displayed. The visualization of a non-visual parameter is transformative. Therefore claim 20 should be allowed. Applicants note that the Examiner did not provide any explanation about his rejection. The rejection is formatted as a "canned" rejection with no substance. MPEP 706 states that "The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity." Because the Examiner did not explain why claim 20 is deemed to not include a transformative step, Applicants have not had a sufficient opportunity to reply completely.

Claims 2-9 and 13-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. For clarification, Applicants have amended the claims to recite "A computer-readable storage medium for storing thereon a processor-executable computer program..." which finds support from the specification at page 2, lines 28-30. Applicants cannot find any example in the specification from which the computer readable medium could be construed as

transitory. Rather, Applicants note that the specification states on page 4, lines 7-8 that "a workstation is used for performing the method according to the invention." Therefore, the Examiner's assertion that a "computer-readable medium" may be satisfied by a transitory signal has no basis since the storage devices on a workstation are not transitory and there are no examples of transitory embodiments. It is notoriously well known that a workstation computer has a hardware subsystem with storage devices for the storage of computer programs, as described on page 2, lines 28-30 of the specification.

CONCLUSION

For the reasons set forth above, it is submitted that claims 2-9, 12-17, and 19-21 distinguish patentably over the references of record and meet all statutory requirements. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is requested to telephone Yan Glickberg at the phone number provided below.

Respectfully submitted,

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